

**United States District Court, Eastern District of Washington**  
**Magistrate Judge Mary K. Dimke**  
**Richland**

**USA v. DAVID BEAU HAYS**

**Case No. 1:20-CR-2047-SMJ-1**

Richland Video Conference  
The Defendant agreed to appear via video conference.

**Arraignment/Initial Appearance on Indictment and  
Detention Hearing:**

**12/22/2020**

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|--|--|
| <input checked="" type="checkbox"/> Sara Gore, Courtroom Deputy [R]  | <input checked="" type="checkbox"/> Michael Murphy, US Atty (video)    |
| <input type="checkbox"/> Pam Howard, Courtroom Deputy [Y]  | <input checked="" type="checkbox"/> Jeromy Sporn, Defense Atty (video) |
| <input checked="" type="checkbox"/> Erica Helms, US Probation / Pretrial Services Officer (tele)                                   | <input checked="" type="checkbox"/> Interpreter <b>NOT REQUIRED</b>    |
| <input checked="" type="checkbox"/> Defendant present <input checked="" type="checkbox"/> in custody, appearing by video from YCJ. | <input type="checkbox"/> Defendant not present / failed to appear      |

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- |  |  |
|--|--|
| <input checked="" type="checkbox"/> USA Motion for Detention   | <input checked="" type="checkbox"/> Rights given                                   |
| <input type="checkbox"/> USA not seeking detention   | <input checked="" type="checkbox"/> Acknowledgment of Rights previously filed      |
| <input checked="" type="checkbox"/> Financial Affidavit (CJA 23) previously filed                                | <input checked="" type="checkbox"/> Defendant to receive copy of charging document |
| <input checked="" type="checkbox"/> The Court will appoint the Federal Defenders                                 | <input checked="" type="checkbox"/> Defendant waived reading of charging document  |
| <input type="checkbox"/> Based upon conflict with Federal Defenders, the Court will appoint a CJA Panel Attorney | <input type="checkbox"/> Charging document read in open court                      |
| <input type="checkbox"/> PRE-Trial Services Report ordered   | <input type="checkbox"/> POST Pre-Trial Services Report ordered                    |
| <input type="checkbox"/> AO Advice of Penalties/Sanctions filed  |  |

**REMARKS**

Due to the current COVID-19 public health crisis, all parties including Defendant, are appearing by video or teleconference.

**Arraignment/Initial Appearance on Indictment:**

Defendant appeared and was assisted by counsel and advised of their rights and the allegations contained in the charging document.

The Defendant acknowledged to the Court that their true and correct name is: Beau David Hays. "Not guilty" plea entered.

Discovery to be provided pursuant to the local rule on discovery.

Oral order issued confirming the Government's disclosure obligations under the Due Process Protections Act and the possible consequences of violation of said order.

**Detention:**

USA proffered the pretrial services report and concurs with its recommendation of continued detention of the Defendant.

USA argued why the Court should detain the Defendant and why there are no conditions of release which will reasonably assure Defendant's appearance as required and/or the safety of the community.

Defense counsel inquires re USA conflict and possible conflict with the Federal Defenders.

Defense counsel argued why the Defendant should be released. Defense Counsel argues the conduct alleged is more like a state court matter as to bail. Defense argues defendant's age and life experience along with being housed with the more extreme defendants in the jail. Defendant argues placement with his mother, conditions of release, GPS monitoring, and NCO.

Rebuttal argument by USA.

USA addresses that presumption applies to this case.

Defense counsel doesn't disagree but argues details of presumption.

**The Court ordered:**

1. USA's Oral Motion for Detention is **granted**.
2. That there is no combination of conditions to assure the Defendant's appearance as required or conditions to ensure that Defendant is not a danger to the community.
3. Defendant shall be detained by the U.S. Marshal until further order of the Court.